

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Vanessa Chisholm et al.	Group Art Unit: 1636
Serial No. 10/019,586	Examiner: Guy Guidry
Filed: December 20, 2001	Confirmation No. 1705
Title: EXPRESSION VECTORS AND METHODS	Customer No. 09157
	Electronically filed on October 4, 2006

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 CFR 1.121

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This document is responsive to the Notice of Non-Compliant Amendment mailed September 14, 2006 for which a response is due October 14, 2006. Accordingly, this response is timely filed.

Applicants respectively disagree that the claim set filed June 30, 2006 (in response to the first Notice of Non-compliant Amendment mailed May 31, 2006) lacked proper claim identifiers. Applicants note that there are no new claims in either the March 13, 2006 claim set or the claim set filed June 30, 2006 with the prior Response to Notice of Non-Compliant Amendment. Accordingly, Applicants submit that the Examiner's basis for the present Notice of Non-Compliant Amendment—that all of the claims listed as “new” in a prior claim set should still be labeled as “new” and not as “previously presented”—is in error. In a telephone call held September 30, 2006, the Examiner agreed that the corrected claim set filed June 30, 2006 was acceptable and that the present Notice of Non-Compliant Amendment was in error. Accordingly, Applicants respectfully request withdrawal of the current Notice of Non-compliant Amendment. As a courtesy to the Examiner, a copy of the corrected claim set filed June 30, 2006 is provided herewith.

In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application

Respectfully submitted,
GENENTECH, INC.

Date: ~~Sept~~ Oct 4, 2006

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